UNITED NATIONS

CAT

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.
GENERAL

CAT/C/55/Add.4
10 October 2000

Original: ENGLISH

COMMITTEE AGAINST TORTURE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION

Fourth periodic reports of States parties due in 2000

Addendum

NORWAY*

[15 September 2000]

---

* For the initial report of Norway, see CAT/C/5/Add.3; for its consideration, see CAT/C/SR.12 and 13, and Official Records of the General Assembly, Forty-fourth Session, Supplement No. 46 (A/44/46, paras. 76-93. For the second periodic report, see CAT/C/17/Add.1; for its consideration, see CAT/C/SR.122 and 123 and Official Records of the General Assembly, Forty-eighth Session, Supplement No. 44 (A/48/44), paras. 63-87. For the third periodic report, see CAT/C/34/Add.8; for its consideration, see CAT/C/SR.322 and 323 and Official Records of the General Assembly, Fifty-third Session, Supplement No. 44 (A/53/44), paras. 149-156.

CONTENTS

		Paragraphs	Page
Introduction		**1 - 4**	**3**
I.	**INFORMATION ON NEW MEASURES AND NEW DEVELOPMENTS RELATING TO THE IMPLEMENTATION OF THE CONVENTION**	**5 - 69**	**3**
	Article 2	5 - 8	3
	Article 3	9 - 16	4
	Article 4	17	5
	Article 5	18 - 19	5
	Article 6	20 - 21	6
	Article 7	22 - 23	6
	Article 8	24 - 25	6
	Article 9	26 - 27	6
	Article 10	28 - 42	6
	Article 11	43	9
	Article 12	44	9
	Article 13	45 - 46	9
	Article 14	47 - 48	9
	Article 15	49	10
	Article 16	50 - 69	10
II.	**ADDITIONAL INFORMATION REQUESTED BY THE COMMITTEE**	**70 - 73**	**13**
III.	**COMPLIANCE WITH THE COMMITTEE'S CONCLUSIONS AND RECOMMENDATIONS**	**74 - 96**	**13**
List of annexes			18

Introduction

1. Reference is made to the initial report submitted by Norway (CAT/C/5/Add.3), to the second periodic report (CAT/C/17/Add.1) and to the third periodic report (CAT/C/34/Add.8). Reference is also made to the summary records of the 322nd and 323rd meetings of the Committee concerning consideration of the third periodic report (CAT/C/SR.322 and 323), and to Norway's core document (HRI/CORE/1/Add.6).

2. This report provides information on new measures taken to implement the Convention and new developments that have occurred during the period extending from the date of submission of Norway's previous report to the date of submission of the present report. The information provided applies not only to torture as defined in article 1 of the Convention, but also to other cruel, inhuman or degrading treatment.

3. In accordance with the reporting procedure described in paragraphs 17 and 18 of Norway's core document, a draft of the present report has been submitted for comment to the Government's Advisory Committee on the Human Rights Working Group on United Nations-elated issues. This opportunity to comment on the report does not of course prevent this group or any other non-State actor from presenting their views directly to the Committee.

4. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) carried out its second periodic visit to Norway from 13 to 23 September 1999. The Committee's report to the Norwegian Government of 10 March 2000 (CPT (2000) 2) is annexed to the present report (annex 1). In accordance with paragraph 104 of the CPT's report, a full account of the action taken to implement the CPT's recommendations will be provided by Norwegian authorities by 29 September 2000.

I. INFORMATION ON NEW MEASURES AND NEW DEVELOPMENTS RELATING TO THE IMPLEMENTATION OF THE CONVENTION

Article 2

5. Reference is made to Norway's third periodic report, article 2 (paras. 6-8 and 11) regarding special investigative bodies (SIB).

6. During the period 1996–1998, 1,998 cases were reported to SIB. Four hundred and seven of the reported cases related to the use of force by the police. In 129 of the cases, the investigating bodies found reason to believe that a criminal offence had taken place. Eighteen of these cases were related to police brutality.

7. In 1997 the research department at the Police College was given the remit to undertake a systematic research of the ases investigated by SIB. A report was presented in 1999 revealing that approximately 50 per cent of the cases had been decided without prior questioning of the suspect or witnesses. It was also revealed that in more than 90 per cent of the cases, SIB recommends that the Public Prosecutor decide not to prosecute. The majority of these cases are dropped because a legal offence is not considered to be proven.

8. As a result of this report, the Ministry of Justice granted the Director-General of Public Prosecutions funds to carry out an evaluation of the quality of SIB investigations. A work group composed of a presiding judge, a judge with experience as leader of SIB, a solicitor, a Public Prosecutor and an experienced investigator has now been established. The group will start their work in September 2000 and their report is expected by the end of 2001.

Article 3

9. Reference is made to the information supplied in Norway's third periodic report.

10. Pursuant to the Act of 30 April 1999, No. 22, the responsibility for processing all appeals concerning immigration cases will be transferred from the Ministry of Justice to an independent body, the Immigration Board. The main purpose of the establishment of an Immigration Board is to increase security under the law for individuals in appeal procedures in immigration cases. The Immigration Board has a broader composition than the present administrative arrangement. As a rule asylum-seekers are to be allowed to appear personally before the board at their request. The Immigration Board will begin functioning on 1 January 2001.

Expulsion

11. During the consideration of the third periodic report (see CAT/C/SR.322, para. 11), the Norwegian delegation was asked (a) about the legal basis for the expulsion of foreign nationals legally residing in Norway who have committed a criminal offence; (b) what was the competent body in such cases; and (c) whether a deportation decision is taken automatically and whether the particular circumstances of the individual are taken into account. The following information may be added to the answers given by the Norwegian delegation during the consideration of the report.

12. With regard to (a) the legal basis for the expulsion of foreign nationals is sections 29, 30 and 58 of the Norwegian Immigration Act of 24 June 1988, No. 64. Section 4 of the Immigration Act states that the Act shall be applied in accordance with international rules by which Norway is bound when these are intended to strengthen the position of the foreign national. Thus, when deciding whether an individual is to be expelled, due consideration must be given, inter alia, to article 3 of the United Nations Torture Convention, articles 3 and 8 of the European Convention on Human Rights (ECHR) and protocol No. 7 to the ECHR. In the case of a conflict between the Immigration Act and, for example the United Nations Convention, the latter is to prevail. Furthermore, it follows from section 3 of the Human Rights Act of 21 May 1999, No. 30, that the ECHR and the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights and the optional protocols thereto are to apply as Norwegian law and, in the event of a conflict, are to prevail over other statutory law.

13. Concerning (b), pursuant to the second paragraph of section 31 of the Immigration Act the police are to prepare cases where a foreign national has committed a criminal offence. The case is subsequently sent to the Directorate of Immigration for a decision. Pursuant to section 16 of the Public Administration Act and section 32 of the Immigration Act, the foreign national is entitled to receive notice in advance regarding the pending decision on expulsion, and has the right to express himself in writing or orally before the expulsion can be ordered. The decision

may be appealed to the Ministry of Justice pursuant to section 38 of the Immigration Act (as of 1 January 2001 to the Immigration Board), and the legality of the decision may be appealed to the courts.

14. Concerning (c), according to the provisions of the Immigration Act, when deciding whether to expel a foreign national consideration is to be given to the grounds for the residence permit and the penalty scale applying to the offence. In addition, there must be an individual assessment of the foreign national's personal situation. A deportation decision is thus not taken automatically.

15. Pursuant to sections 29, 30 and 58 of the Immigration Act, expulsion may not be ordered if, in relation to the seriousness of the offence and the foreign national's connection with the realm, this would be a disproportionately severe reaction against the foreign national himself or the closest members of his family. Among the aspects given weight by the relevant authorities are: how long the foreign national has resided in Norway; his/her age; whether the foreign national has children and/or a spouse residing in Norway; and his/her integration into Norwegian society in terms of education or career.

Extradition

16. Pursuant to section 17 of the Extradition Act of 13 June 1975, No. 39, the court decides whether the criteria for extradition have been met. If the court adjudicates that the criteria set out in the Extradition Act have been met, the Ministry of Justice decides whether the request for extradition is to be complied with. The decision of the Ministry of Justice may be appealed to the King in Council.

Article 4

17. The information supplied in the initial report (paras. 3-4 and 17-21), in Norway's second periodic report (paras. 7-16) and in the third periodic report (paras. 80-85) still applies. With regard to the further implementation of the Convention in Norwegian legislation, additional information on recent developments is provided in Part III of the present report.

Article 5

18. The information supplied in Norway's second periodic report (paras. 17-18) still applies.

19. Reference is also made to Norway's obligations arising from the ratification of the Rome Statute of the International Criminal Court (ICC) of 17 July 1998, in which torture is defined both as a crime against humanity and as a war crime (art. 7 (1) (f); see also art. 7 (2) (e) and art. 8 (2) (a) (ii)). Norway ratified the Statute on 16 February 2000. When the Statute enters into force Norway will be obliged to provide the required cooperation with the ICC. A comprehensive legislative draft has been circulated for comment to a broad public. Following this public consultation a bill will be submitted to the Storting (the Norwegian parliament) in the near future.

Article 6

20. Reference is made to the information provided in Norway's third periodic report (paras. 21-25), which still applies.

21. Concerning the obligation to take into custody or to take other legal measures to ensure the presence of persons alleged to have committed acts of torture, reference is also made to Norway's obligations arising from the ratification of the Rome Statute of the ICC, in particular those arising from article 92 relating to provisional arrest and article 93 relating to other forms of cooperation.

Article 7

22. Reference is made to the information contained in Norway's third periodic report (paras. 26-28), which still applies.

23. Reference is also made to Norway's obligations arising from the ratification of the Rome Statute of the ICC, in particular those referred to in article 89 of the Statute regarding surrender of persons to the Court, and those arising from the principle of complementarity.

Article 8

24. Reference is made to the information supplied in Norway's initial report (para. 24), the second periodic report (paras. 22-23), and the third periodic report (paras. 29-34), which still applies.

25. Reference is also made to Norway's obligation to surrender persons in accordance with the Rome Statute of the ICC, in particular those referred to in articles 86, 88 and 89 of the Statute.

Article 9

26. Reference is made to the information supplied in Norway's second periodic report (paras. 24-25), and to Norway's third periodic report (para. 36) which still applies.

27. In relation to the obligation to provide assistance such as supply of evidence, reference is also made to the obligations devolving upon Norway as a result of the ratification of the Rome Statute of the ICC, in particular articles 86 and 93 of the Statute.

Article 10

28. Reference is made to the information contained in Norway's second periodic report, (paras. 26-29), which still applies. The following may be added.

29. The Government regards information, instruction and education as important tools in the efforts to protect and promote human rights in Norway, and the Government's Plan of Action for Human Rights (report No. 21 (1999-2000) to the Storting) therefore outlines numerous goals and

measures for increasing knowledge of human rights. Non-governmental organizations and the media are important partners in the broad dissemination of information. The Plan of Action for Human Rights is annexed (annex 2).

Prison staff

30. Reference is made to the information supplied in Norway's second periodic report (para. 28), which still applies. The following may be added.

31. The Prison and Probation Staff Education Centre trains new staff and provides in-service training for employees in the prison and probation services. New prison officers have a year of theoretical instruction. One of the subjects taught during this year is "ethics and a professional attitude", which includes various issues related to human rights, such as the contents of the ECHR, the ICCPR and the Convention and the monitoring bodies under these treaties. The Plan of Action states that the training provided by the Prison and Probation Staff Education Centre will be evaluated before the end of 2002 with a view to further strengthening instruction in human rights.

Military personnel

32. Traditionally, the defence forces have received training in humanitarian law, but there has been no general instruction in human rights. The Norwegian Ministry of Defence has recently appointed a working group consisting of representatives from the Ministry, Headquarters Defence Command Norway and the Judge Advocate General, which will, inter alia, examine the regulations concerning the use of military arrest. The group will also be mandated to make recommendations concerning human rights instruction for defence personnel.

The police

33. The amount of information on human rights and of teaching time spent on subjects related to these issues at the Police Academy has increased during the last few years. A working group composed of representatives from a number of ministries has put forward suggestions for improving the way in which the human rights-related issues are taught and for methods for increasing knowledge of the corpus.

Medical personnel

34. At the 322nd meeting (CAT/C/SR.322, para. 10) Norway was asked to provide details about teaching and the information given to medical personnel regarding the prohibition against torture. The information given below is a reply to this request.

35. The Plan of Action for Human Rights stresses that all training in the nursing and care sector should include instruction in human rights. The rights of the elderly and of persons with disabilities are particularly emphasized in the plan. The curricula for basic training in health and social welfare subjects stipulate that students are to be given an introduction to human rights. Furthermore, the Government will consider preparing a model for a course on health and human

rights from a public health perspective in connection with the follow-up of Official Norwegian Report 1999:18 *On strengthening municipal public health services* and Official Norwegian Report 1999:13 *On women's health in Norway*.

36. The relatively extensive use of force in Norwegian psychiatric care has been a subject of concern. It has also been a subject of concern that measures including the use of force have not been regulated by statute, but have either been governed by regulations or have not been regulated at all. The need to improve security under the law, particularly for mentally ill people, has been widely recognized.

37. The following four new statutes have been adopted with a view to promoting a health and welfare policy based on respect for human dignity: the Act of 2 July 1999, No. 63, relating to patients' rights, the Act of 2 July 1999, No. 62, relating to the establishment and application of mental health care, the Act of 2 July 1999, No. 61, relating to specialized health services and the Act of 2 July 1999, No. 64, relating to health personnel. The acts will presumably enter into force in early 2001. These statutes are intended to strengthen patients' human rights by regulating key issues such as the use of coercion and the application of restrictive measures in respect of persons suffering from serious mental disorder. The Act relating to health personnel is aimed particularly at ensuring that health personnel are qualified to meet the needs and respect the rights of patients.

38. The Ministry of Health and Social Affairs has prepared an information package on the new legislation. This will be used by the Ministry and the State supervisory authorities to raise awareness among medical personnel of patients' human rights.

39. A new amendment, chapter 6A of the Social Services Act of 13 December 1991, No. 81, regulating the use and monitoring of coercion in respect of certain mentally retarded persons, entered into force in 1999. (For some background information reference is made to paragraphs 58-59 of Norway's third periodic report.)

40. To ensure that the rules are complied with at municipal level, the Ministry of Health and Social Affairs has issued a comprehensive circular that has been sent to the relevant local authorities. Before the act came into force, courses were arranged for employees at the county governors' offices, at the offices of the chief county medical officers and in the specialized health services, and for municipal employees. To follow up Report No. 26 (1997-1998) to the Storting regarding the limitation and supervision of the use of coercion in the provision of health services, the Ministry of Health and Social Affairs will evaluate the new rules, which are provisional and apply until the end of 2001.

Child welfare institutions

41. Reference is made to Norway's third periodic report (para. 38).

42. The report by the committee of experts appointed in 1995 to evaluate the conditions for coercive action in relation to placement and detention in institutions pursuant to sections 4-24 and 4-26 of the Act relating to child welfare services was followed by a conference of experts. The conference discussed treatment and measures for young people with serious behavioural

problems and found that the best documented methods are Multisystemic Therapy (MST) and Parent Management Training (PMT). Training in these methods has now been initiated throughout the country. The methods are based on supporting both the child with the serious behavioural problems and his/her family without having the child admitted to an institution. Guidelines concerning plans of action for each child with behavioural problems have also been developed as recommended by the committee of experts. Even though our experience so far seems to be promising, it is at present too early to evaluate whether the use of these measures will substantially improve the situation of the affected children.

Article 11

43. Reference is made to the information provided in Norway's initial report (paras. 27-28), and in the second periodic report (paras. 30-31), which still applies.

Article 12

44. Reference is made to the information supplied in Norway's second periodic report (paras. 32-34), which still applies. Reference is also made to paragraphs 6-8 above relating to SIB.

Article 13

45. Reference is made to the information provided in Norway's initial report (paras. 31-32), the second periodic report (paras. 36-38), and the third periodic report (paras. 41-48), which still applies. The following may be added.

46. In order to ensure the best possible implementation of Norway's human rights obligations, a proposal for a new act relating to the prison and probation service, the Execution of Sentence Act, will be submitted to the Storting. This new act will replace the Prison Act of 12 December 1958, No. 7. The bill has been circulated for comment and it is expected that the Government's proposal will be submitted to the Storting in autumn 2000. One of the proposals put forward in the bill is that inmates should be given the right to make an administrative appeal against decisions to carry out physical examinations. Under existing law such decisions are exempted from the right to lodge an administrative appeal.

Article 14

47. Reference is made to the information supplied in Norway's third periodic report (paras. 49-53), which still applies. As explained there, victims of violent crimes may seek compensation from the State, which is liable because it is the employer of the perpetrator, pursuant to the provisions of chapter 2 of Act of 13 June 1969, No. 26, on compensation for damages. The compensation scheme for victims of violent crimes is relevant only if the State is not liable. The following information may be added with regard to the compensation scheme.

48. A proposal for a new act to replace the Royal Decree of 23 January 1981 relating to a public compensation scheme for victims of violent crimes will be submitted to the Storting in

autumn 2000. The purpose of the new act is to strengthen the position of victims of violent crimes by ensuring the victim a right to compensation. The proposal includes raising the maximum compensation offered from NOK 200,000 to NOK 1 million.

Article 15

49. Reference is made to the information supplied in Norway's third periodic report (paras. 54-56). Reference is also made to paragraph 77 below.

Article 16

50. Reference is made to the information supplied in Norway's third periodic report. Reference is also made to Part III of the present report, which contains information on the use of solitary confinement. The following may be added.

Remand in custody

51. The statistics below show the average time spend in custody:

Year	1991	1992	1993	1994	1995	1996	1997	1998	1999
Average No. of days	60	60	62	60	55	64	60	58	57

52. A working group set up to propose measures to reduce the overall time spent on investigating and adjudicating in criminal cases has made several suggestions for provisions to be included in the Criminal Procedure Act. One of the suggestions is for an amendment to section 185 of the Criminal Procedure Act. Pursuant to section 185, first paragraph, the court must when deciding to remand a person in custody fix a set time limit for such custody if the main hearing has not already begun. The time limit must pursuant to existing law be as short as possible and may not exceed four weeks at a time. As a follow-up to the recommendations of the working group, a proposal will be submitted to the Storting for reducing the maximum time limit the court may fix for remand in custody from four to two weeks at a time.

53. The Norwegian authorities have been criticized by the CPT, the Parliamentary Ombudsman and other instances for the length of time which remanded prisoners spend in police custody. In order to ensure a rapid transfer of remanded prisoners from police cells to ordinary prison, the Director General of Public Prosecution has issued new guidelines in circular Ra 97/309, in which it is emphasized that remanded prisoners in police establishments shall as a rule be transferred to an ordinary prison within 24 hours after a court has ordered their remand in custody.

54. During its visit to Norway in 1999, the CPT delegation welcomed the commitment of the Norwegian authorities to reducing the period during which remand prisoners are held in police establishments. The delegation's on-the-spot findings confirmed that progress is being made towards meeting the target of a maximum of 24 hours' stay in police establishments after the

court of examination and summary jurisdiction has ordered remand in custody. However, required renovation work has made it difficult in some Norwegian prisons to find available prison cells for inmates remanded in custody. The efforts to meet the target will continue.

55. During its visit to Norway in 1999, the CPT further found that police officers were screening requests from persons in police custody for access to a doctor. In its report of 10 March 2000, the CPT recommends several measures relating to access to a doctor for persons in police custody. The CPT recommends, inter alia, that the right of persons detained by the police to be examined by a doctor be explicitly recognized, and that a detained person should be entitled, if he or she so wishes, to be examined by a doctor of his or her choice. On this matter, reference is made to Norway's third periodic report, paragraphs 67-69. The following may be added.

56. It should be noted that the municipalities are responsible for primary health care in Norway, and that medical services, both at police headquarters and in prisons, are run independently of the police and prisons. The Act of 19 November 1982, No. 66, relating to municipal health services states that any person permanently residing or temporarily staying in the municipality is entitled to receive the necessary health care. Medical health care provided by the municipality is free of charge for a person who has been detained.

57. On 21 July 2000 the Ministry of Justice issued circular G-67/2000 to all police headquarters regarding the right of access to necessary health care for persons in police custody. According to the circular, persons detained in police custody are entitled to access to necessary health care. Such access may be arranged either by the police or by the detainee himself/herself. If the detainee so wishes, he or she may speak to the health personnel directly and without supervision. The police should not screen requests from detained persons for access to health care. The circular further states that a detained person has the right to be examined by a doctor of his or her choice, as long as this doctor is available and is at a reasonable distance. Furthermore, a detained person is entitled to have access to health personnel as soon as possible and in general no later than two hours after the detainee's arrival at the police station. The circular is enclosed in annex 3.

58. Following its visit in September 1999, the CPT also recommended that opportunities for arrested people to inform their family and lawyer ought to be improved. In response to this, the Director General of Public Prosecutions issued guidelines on the notification of arrest to relatives and lawyers in a letter of 10 November 1999. The letter is attached as annex 4.

Detention of asylum-seekers

59. In respect of the third supplementary report, Norway was asked to provide more information about the "special grounds" that could justify remand in custody for more than 12 weeks of a foreign national suspected of having given a false identity, and some clarifications about the practice and purpose of the detention of asylum-seekers (see CAT/C/SR.322, para. 11). The following information is provided in answer to these questions.

60. Detention of asylum-seekers may, in special cases, be considered necessary in order to prevent residence permits being granted on false grounds, to establish the correct identity of uncooperative foreign nationals and to keep foreign nationals with unknown identity under the control of the authorities.

61. The practice of detaining asylum-seekers in ordinary prisons has been criticized. According to recent amendments to the Immigration Act, persons who are detained pursuant to section 37, sixth paragraph, must as a rule be detained in a detention centre for foreign nationals. This institution, which is to be established in the near future, will not be a part of the prison service institutions, and will be staffed by personnel with knowledge of other languages and cultures.

62. Pursuant to section 37, sixth paragraph, of the Immigration Act, the total period of custody in these cases may not exceed 12 weeks, unless there are special grounds that justify this. The practice of more than 12 weeks' detention for immigrants suspected of having given a false identity has been criticized in various quarters, such as the Parliamentary Ombudsman and Amnesty International.

63. The following circumstances have been held by the courts to constitute "special grounds" in this context: the detained foreigner is not willing to take an expanded language test, he/she is not willing to meet with the relevant embassy, he/she is deliberately unclear, he/she deliberately impedes the work of the police.

64. An amendment to the Immigration Act in 1992-1993 extended the possibility of detaining foreign nationals suspected of having given false identity. From 1 August 1992 to 31 July 1993 120 foreign nationals were detained in custody. Following concerns expressed by the Parliamentary Ombudsman and various non-State actors, the Ministry of Justice established a dialogue with the police concerning detention in immigration cases. As a result of this dialogue there has been a substantial reduction in requests from the police to detain foreign nationals suspected of giving a false identity. In 1998 about 8,300 asylum-seekers arrived in Norway, and about 50 per cent of them had no identification or travel documents. Of these, 14 were detained pursuant to section 37 of the Immigration Act. The figures for 1999 were a total of about 10,000 asylum-seekers, of whom 80-90 per cent arrived without identification or travel documents. Of these, 26 were remanded in custody in 1999. Three of them have been detained for more than 12 weeks pursuant to section 37, sixth paragraph, of the Immigration Act.

65. Due to this positive trend, the Ministry of Justice has not deemed it necessary at present to take further measures. The Ministry does, however, follow developments closely, and will if necessary consider issuing guidelines on what constitutes "special grounds".

Mentally retarded persons

66. Reference is made to Norway's third periodic report (paras. 58-59) and to paragraph 39 of the present report. Chapter 6 A of the Social Services Act entered into force and the advisory group began functioning on 1 January 1999. Chapter 6 A will be in force for a period of three years and its future will depend on an evaluation of the experience gained during this period.

Persons with senile dementia

67. Report No. 28 (1999-2000) to the Storting concerning the contents and quality of care services also deals with the need for regulations concerning the use of coercion towards persons with senile dementia. The Ministry of Health and Social Affairs is reviewing the matter, and their efforts will be linked with the evaluation of chapter 6 A of the Social Services Act.

Child welfare

68. Reference is made to the information supplied in Norway's third periodic report (para. 60-62), which still applies. The following may be added.

69. According to section 5-7 of the Child Welfare Act of 17 July 1992, No. 100, the county governor oversees that child welfare institutions are operated in accordance with the Act. The Ministry of Labour and Government Administration will evaluate the supervision of the child welfare institutions in certain selected counties.

II. ADDITIONAL INFORMATION REQUESTED BY THE COMMITTEE

70. During the consideration of Norway's third periodic report, the requested information was provided to the Committee. Information supplementing the answers given during the consideration is provided under the relevant articles in Part I, and will not be repeated in Part II of this report.

71. The Norwegian Government would, however, like to supplement the information concerning the Human Rights Act of 21 May 1999, No. 30, provided by the Norwegian delegation at the 322nd meeting (CAT/C/SR.322), as follows.

72. The Act incorporates into Norwegian law the European Convention on Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, with optional protocols. Pursuant to section 1 of the Human Rights Act, the purpose of the Act is to strengthen the status of human rights in Norwegian law, i.e. to strengthen the status of all human rights, not only those contained in the incorporated Conventions.

73. Section 3 of the Act states that, in the event of a conflict, the incorporated Conventions and protocols are to prevail over other statutory law. An English version of the Act is enclosed in annex 5.

III. COMPLIANCE WITH THE COMMITTEE'S CONCLUSIONS AND RECOMMENDATIONS

Further implementation of the Convention in Norwegian legislation

74. In its concluding observations, the Committee recommends that "Norway should incorporate into its domestic law provisions relating to the crime of torture that are in conformity with article 1 of the Convention".

75. As in the previous reports, reference is made to the fact that acts amounting to torture are already punishable under several of the articles of the General Civil Penal Code. Reference is also made to section 4 of the Immigration Act and section 4 of the Criminal Procedure Act, according to which the provisions of the Convention are to prevail over the provisions in these statutes if the Convention ensures the person concerned a stronger position. The Norwegian Government agrees, however, with the Committee that further steps ought to be taken to further implement the Convention in Norwegian legislation.

76. The most commonly used method for implementing human rights conventions in Norwegian legislation has traditionally been by ascertaining that the national legislation is in accordance with the relevant convention (ascertainment of legal harmony). It is stated in the preparatory work to the Human Rights Act that a more active approach should be taken in the future. The manner in which human rights conventions are to be implemented would, however, be considered in view of Norwegian legislative practice and should be assessed in relation to the convention in question. In accordance with Norwegian legislative practice the most appropriate way of implementing a convention may be considered to be by embodying the obligations of a convention in various statutes so as to fit in with and supplement existing provisions. This approach has the advantage of ensuring that the persons applying the law will find all the relevant rules in one single statute. The Norwegian Government thus holds the view that the most fruitful way of implementing the Convention is not necessarily by way of incorporation.

77. The Plan of Action for Human Rights indicates measures aiming at the further implementation of the Convention in Norwegian legislation. The Plan of Action covers the period 2000-2004, and the various measures are being phased accordingly.

78. The Plan of Action states that, "Acts of torture will always be covered by the general penal provisions regarding violence, etc., but according to the United Nations Committee against Torture, this is not sufficient. The [Convention] contains a specific prohibition against torture, which should be implemented in the Norwegian General Civil Penal Code. Consideration should also be given to incorporating into the Criminal Procedure Act a prohibition against the use of evidence obtained by torture, as recommended by the United Nations Committee against Torture. It may also be relevant to make other legislative amendments in order to make the Convention more visible in Norwegian law" (cf. page 21 of the annexed Plan of Action).

79. It should also be stressed that the incorporation into domestic law, by means of a Human Rights Act, of the European Convention on Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in no way weakens the position of other human rights conventions. On the contrary, the Act itself expressly states, in section 1, that the purpose is to strengthen the status of human rights in Norway, i.e. to strengthen the position of all human rights, including those rights that ensue from the Convention.

Solitary confinement - general information

80. The Norwegian Government has taken note of the Committee's concerns with regard to the use of solitary confinement, particularly during pre-trial detention (see concluding observations in A/53/44, para. 156).

81. Restrictions, particularly solitary confinement, seriously interfere with the prisoner's private life and may seriously harm his/her health. Therefore, solitary confinement and other restrictive measures may only be used when they are not considered to be disproportionate. The adverse effects of solitary confinement must nonetheless be weighed against the need for this measure to combat crime. The Norwegian Government holds the view that a balanced solution consists not in abolishing the use of solitary confinement, but in improving the legal regulation and supervision of such measures.

82. Following the concerns raised by, among others, the Committee against Torture and the CPT, various measures have been and are about to be taken on different levels to improve the situation for inmates subject to solitary confinement, including the strengthening of the legal safeguards to avoid excessive use of restrictive measures. Below is an overview of the new measures.

Solitary confinement and other restrictive measures applied to remanded prisoners

83. On 10 November 1999 the Director General of Public Prosecutions issued guidelines to all prosecuting authorities and chiefs of police regarding the use of restrictive measures during remand in custody. The guidelines stress that restriction may under no circumstances be applied or prolonged as a form of pressure on the accused to make a statement or contribute information.

84. The guidelines further state that the prosecuting authority may not apply for restrictive measures to be implemented for more than four weeks at a time, even if the requested period of remand is longer than that. It is pointed out that a careful evaluation must be made of the extent to which the accused should be given more contact with family members and persons not directly involved in the case. According to the guidelines, applications for restrictive measures must contain specific reasons, and restriction may only be imposed if there is a danger of evidence being tampered with. The Director General also emphasizes the duty of the police to make sure that the investigation is conducted in such a way that the duration of the restriction is as short as possible. According to the guidelines, the police lawyer in charge of the case must regularly evaluate whether it is necessary to continue the restrictive measures, even during the time period established by the court. The Ministry of Justice has encouraged close contact between the police and the prisons to ensure that restrictions are lifted as soon as possible. The guidelines are enclosed in annex 6.

85. It should also be noted that the Interlocutory Appeals Committee of the Supreme Court has stated in its ruling of 9 November 1999 that in the event of prolonged remand in custody, restrictions entailing isolation should be used with care and that requests for an extension of remand should be accompanied by a report on the situation of the accused and concrete possibilities for a relaxation of restrictions.

86. As underlined by the CPT, the critical factor is whether the guidelines of the Director General of Public Prosecutions will be followed up in practice. The Government will therefore closely evaluate the effectiveness of the guidelines.

87. The Norwegian Government recognizes that a measure of such a serious nature as solitary confinement should be regulated by law and depend upon an explicit authorization by

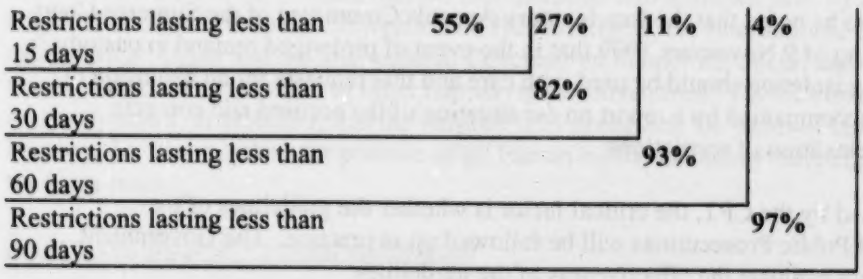
the court. The Government is therefore currently drawing up further measures, including amendments to the Criminal Procedure Act, to ensure that such restrictions are only used when and to an extent that is strictly necessary.

88. A working group set up to propose measures for reducing the overall time spent on investigating and adjudicating in criminal cases has suggested including in the Criminal Procedure Act provisions to reduce the overall use of solitary confinement, and to strengthen the judicial supervision of the use of such restrictive measures. The following proposals by the working group will shortly be considered by the Government with a view to submitting proposals to the Storting for amendments to the Criminal Procedure Act.

89. The working group recommends that a separate provision on the use of solitary confinement during remand in custody should be included in the Criminal Procedure Act, which should lay down that the use of solitary confinement is to be dependent on an explicit authorization by a court. This requirement will ensure a more thorough and detailed assessment of the necessity for this measure. Today, solitary confinement for remanded prisoners is not explicitly regulated in the Criminal Procedure Act. Denying a remanded prisoner contact with other prisoners (i.e. solitary confinement) is now done on the basis of section 82 of the prison regulations. Section 82 states that remanded prisoners who may not receive letters or visitors under a court ruling are also to be isolated from other prisoners unless the police explicitly allow them contact with other inmates.

90. The working group has also suggested including in the Criminal Procedure Act maximum time limits for the use of solitary confinement. According to the proposal the time limits should be based on the maximum sentences under the relevant penal provision, and would consequently vary from four weeks to three months. It is further proposed that, if the prisoner on remand is under the age of 18, he or she should regardless of the maximum sentence under no circumstances be isolated for more than eight consecutive weeks.

91. The figures below show that in more than half of the cases where remanded prisoners are subjected to restrictions, the restrictions are lifted after 15 days. Ninety-seven per cent of the inmates had had restrictions lifted after 90 days, and 3 per cent were subjected to restrictions for more than 90 days. However, there is reason to believe that the last figure is too high due to errors of registration.



92. In order to prevent the incarceration from having harmful effects, the Central Prison Administration issued Circular 6/97. It orders the prison governors to initiate measures to alleviate the conditions for inmates remanded in custody, particularly prisoners subject to

restrictions on visits, etc. Several prisons have personnel specially allocated to keeping these inmates activated. Emphasis is being placed on human contact, and the activities include outdoor exercise as well as a number of in-cell activities.

93. Furthermore, mention should be made of a special project, intended initially for inmates who found serving their sentence especially onerous because they were in isolation or because they isolated themselves, but which, due to the positive experiences gained, was extended to include persons remanded in custody. The project emphasizes conversation and human relations, and the participants are offered a wide range of activities adjusted to the inmate's personal abilities and wishes. The measures were evaluated in 1998-2000 and found to improve the situation.

Solitary confinement for sentenced prisoners

94. Pursuant to the Prison Act of 12 December 1958, No. 7, solitary confinement may be used as a penalty for violations of the rules of discipline and as a preventive measure to maintain order in a prison.

95. The table below shows the extent to which the most severe coercive and disciplinary measures are imposed on Norwegian prisoners during the execution of a sentence.

Year	Security cell (number of times)	Security bed (number of times)	Solitary confinement (number of times)
1995	224	4	1 039
1996	232	5	1 091
1997	215	10	1 186
1998	293	13	1 226
1999	N/A	N/A	1 279

The use of security cells and security beds is in most cases limited to a period of less than 24 hours. Solitary confinement usually lasts five to six days.

96. The bill relating to the execution of sentence, currently being circulated for comment, is, among other things, intended to reduce the use of solitary confinement as a disciplinary measure. It proposes that exclusion from group activities should not include exclusion from group work, schooling or programmes, but only from leisure periods spent with the other inmates. The reasoning is that on the one hand exclusion from group activities does not promote rehabilitation, but that on the other hand excluding a prisoner from group leisure periods might nonetheless be necessary for disciplinary reasons.

List of annexes*

1. Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) of 29 March 2000.

2. Report No. 21 (1999-2000) to the Storting: Focus on Human Dignity, a Plan of Action for Human Rights.

3. Circular G-67/2000 regarding the right to access to necessary health care for persons in police custody, issued by the Ministry of Justice.

4. Guidelines on the notification of arrest to relatives and lawyers, issued by the Director General of Public Prosecutions in letter of 10 November 1999.

5. The Human Rights Act of 21 May 1999, No. 30.

6. Guidelines on the use of restrictions during remand in custody, issued by the Director General of Public Prosecutions in letter of 10 November 1999.

* The annexes to the report may be consulted in the Secretariat's file upon their submission by the Government of Norway.